

REMARKS/ARGUMENTS

The Applicant acknowledges, with thanks, the office action dated July 29, 2008, and the Personal Interview of November 13, 2008. The Examiner's observations and discussions are much appreciated, and have been incorporated into the subject response. Examiner's acknowledgement of Applicant's priority claim and acceptance of the drawings filed on June 14, 2004, is noted with appreciation. Claims 1-40 are currently pending.

Claims 11-20 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. The subject amendment reflects the Interview discussions relative to this rejection. In view of the subject amendment, it is submitted that all claims are in condition for allowance under 35 U.S.C. §101.

Claims 1-40 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2002/0010661 to Waddington et al. (*hereinafter*, "Waddington"). In view of the amendments and arguments set forth below, it is submitted that all pending claims are patentably distinct over the art of record.

By way of review, the subject application teaches a distribution system by which individual shippers are enabled to achieve individualized control as to shipping, routing and tracking their orders. This customer control is particularly advantageous in a pooled shipping arrangement, such as an embodiment wherein multiple shippers use shipping channels in common. This is distinctive from more conventional shipping systems, such as FedEx or UPS, wherein a user engages a third-party shipper, specifying the destination and delivery type (such as express, ground, overnight, etc.). In such situations, the sender is unconcerned with routing, and is further at the whim of the shipping company as to which tracking information is available to the sender. The subject application contemplates systems wherein larger volume shippers, for example retailers, have multiple items to ship to multiple locations. Different retailers have different routing that may be optimal, including a shipping path and consolidation of shipments for cost or efficiency reasons. This is especially true when a shipping company concurrently services many retail establishments, each having their own desirable shipping, routing or consolidation needs. The subject application teaches an embodiment wherein a shipper with such sender driven flexibility would be afforded significant competitive advantages over more conventional shipping companies.

Waddington is directed to a distribution system wherein a driver is able to select his or her routing for a particular drop-off run, as well as a standardized tracking system. Each independent claim has been amended to include limitations directed to sender driven reporting and routing in a pooled distribution system. For the reasons discussed earlier, it is submitted that, as amended, all claims now include limitations far removed from the art of record.

In accordance with the afore-noted amendments and comments, it is submitted that all claims are patentably distinct over the art, and in condition for allowance thereover. An early allowance of all claims is respectfully requested.

If there are any fees necessitated by the foregoing communication, the Commissioner is hereby authorized to charge such fees to our Deposit Account No. 50-0902, referencing our Docket No. 78297/00001.

Date: 12/1/08

Respectfully submitted,



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